IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1930 OF 2003
IN
SUIT NO.3874 OF 1993

Suresh Mohan Singh Chohan
(since deceased) by legal
heirs
Smt.Usha Suresh Chohan and Ors. ..Plaintiffs

Vs.

Smt.Kanta Chugh and Anr. ..Defendants

Mr.B.R.Vishwakarma for the plaintiffs to show cause

None for the defendants

CORAM : S.U.KAMDAR, J
DATED : 26TH OCTOBER, 2005

P.C.:

. This motion is taken out for setting aside the order of ex-parte decree dt.1.4.99 and for restoration of the suit. None appears in support of motion. The negligence of the defendant is writ large because even for setting aside an ex-parte decree there is a default. Apart therefrom I find that the motion is taken out at belated stage after a period of 4 years from the date of passing of exparte decree in support of motion.There is no

sufficient cause made out for setting aside the said ex-parte decree. The only ground is that the plaintiffs were unaware of any service effected on his advocate Mr.S.Malik. In that view of the matter, Motion is dismissed. NO order as to costs.